Word Music, LLC et al v. Priddis Music, Inc. et al

Doc. 61 Att. 1

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE

WORD MUSIC, LLC., a Tennessee Limited Liability company, DAYSPRING MUSIC, LLC, a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & CO., INC., a Delaware corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation,

Plaintiff,

vs.-

PRIDDIS MUSIC, INC., a Nevada corporation, RICHARD L. PRIDDIS, individually, PROSOUND KARAOKE LTD., a United Kingdom corporation, MEDIOSTREAM, INC., a California corporation, d/b/a "K SUPERSTAR," D.J. MILLER MUSIC DISTRIBUTORS, INC., a Colorado corporation, d/b/a "PROSING," and DALE S. MILLER, Individually

Defendants.

Case No. 3:07-cv-502

JURY DEMAND

Judge Haynes

PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, WORD MUSIC, LLC., *et al.,* ("Plaintiffs") moved on July 2, 2007 (Docket Entry 31) for a preliminary injunction asking this Court to enjoin the Defendants from manufacturing, releasing, distributing, advertising, selling or otherwise exploiting any products

EXHIBIT
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utilizing the music copyrights owned or administered by Plaintiffs without first obtaining the necessary licenses.

Defendant MEDIOSTREAM, INC., d/b/a ("K SUPERSTAR"), filed an Answer to the Complaint on July 26, 2007 (Docket Entry 59-1). MEDIOSTREAM has not, however, responded to Plaintiffs' Motion for a Preliminary Injunction.

Pursuant to Local Rule 7.01, "[e]ach party opposing [a] motion shall serve and file a response, memorandum, affidavit and other responsive material not later than ten (10) days after service of the motion." That rule also provides that "[f]ailure to file a timely response shall indicate that there is no opposition to the motion."

MEDIOSTREAM has allowed 28 days to pass since the motion was filed without filing a response. If MEDIOSTREAM had a basis for opposing plaintiffs' request for a preliminary injunction, MEDIOSTREAM certainly would have filed a timely response or sought an extension. MEDIOSTREAM, however, has done neither.

For the foregoing reasons, Plaintiffs respectfully request that this Court immediately enter a preliminary injunction against MEDIOSTREAM enjoining MEDIOSTREAM from manufacturing, releasing, distributing, advertising, selling or otherwise exploiting any products utilizing the music copyrights owned or administered by Plaintiffs without first obtaining the necessary licenses.

Respectfully submitted,

s/Paul Harrison Stacey
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following by electronic mail via the Electronic Filing System this 31st day of July, 2007.

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